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COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE 44th MEETING
(SECOND PART*)

Held at the Palais des Nations, Geneva,
on Wednesday, 27 February 1991, at 3 p.m.

Chairman: Mr. VASILENKO (Ukrainian Soviet Socialist Republic)

later: Mr. AMOO-GOTTFRIED (Ghana)
later: Mr. MARTIUS (Germany)
later: Mr. BERNALES BALLESTEROS (Peru)

CONTENTS

Human rights and scientific and technological developments (continued)

Status of the Convention on the Rights of the Child

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* The summary record of the first part of the meeting appears as document E/CN.4/1991/SR.44.

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1. Mr. WIELAND (Peru) said that his delegation had read with great interest the concise note drawn up by Mrs. Ksentini, an expert of the Sub-Commission, on the preparation of a study on human rights and the environment (E/CN.4/Sub.2/1990/12), in which she outlined the approach and methods she planned to use in order to discharge her mandate. His delegation approved of the recommendations made in paragraph 40 of the document and encouraged Mrs. Ksentini to continue her work. No one doubted the importance of preserving the environment, as while there were countless ways in which human beings could modify nature, nature itself could not sustain the changes indefinitely.

2. The environmental degradation and deterioration produced by the excessive and irrational transformation of nature threatened the very survival of mankind. That was the point where the environment and human rights met. The right to life in conformity with the inherent dignity of the individual was without any doubt the basic right from which all human rights stemmed, forming a consistent whole that reflected the unity as well as the complexity of human nature. Environmental deterioration brought about a deterioration in the living standards and conditions of individuals. It was therefore completely in order to demand that States should take effective measures not only to put a brake on environmental deterioration, but also to create an ecological balance to ensure the survival of the human race. The right to a healthy, balanced environment could thus be considered in all legitimacy to be a human right and not a mere objective.

3. Lastly, his delegation thanked Mr. Steel who had successfully conducted the work of the Working Group on the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care (E/CN.4/1991/39).

4. Mr. GATAN (Philippines) commended the United Nations University for the final report of its study on the positive and negative impacts of scientific and technological developments on human rights and fundamental freedoms (E/CN.4/1991/38). His delegation agreed with the conclusions of the report, which particularly stressed the urgent need to channel technology to enhance the protection and promotion of human rights, particularly in the developing world.

5. His delegation also commended the Working Group which had drawn up the draft principles for the protection of persons with mental illness and for the improvement of mental health care, and in particular its Chairman-Rapporteur, Mr. Steel. It hoped that the draft would be submitted for consideration to the Economic and Social Council and adopted by the General Assembly. It further noted with pleasure that the Executive Director of the United Nations Environment Programme (UNEP) had completed in an exemplary manner the task entrusted him by the Commission, as was apparent from document E/CN.4/Sub.2/1990/7 which reported on the action taken by UNEP, and notably the outcome of the negotiations with the OAU to find global solutions to the problem of the transboundary movement of hazardous wastes and their disposal.

6. Lastly, it welcomed with satisfaction the proposals made by Mrs. Ksentini on the preparation of a study on the problem of the environment in the context of human rights. Such a study seemed to be indispensable in view of the growing interest aroused by questions relating to the environment in the world as well as the efforts currently being made within the United Nations system to ensure the success of the United Nations Conference on Environment and Development, to be held in Brazil in June 1992. It would be appropriate for the Commission and the Sub-Commission to submit to the Conference a report on the links between the environment and human rights in the context of the right to life and the right to development, given the existing critical state of the environment throughout the world. The Secretary-General of UNCED, whose secretariat was based in Geneva, might help Mrs. Ksentini in fine-tuning her methodology and it might be useful for her to take part in the three remaining sessions of the UNCED Preparatory Committee. The contribution of the Commission to the plan of action ("Action 21") which the 1992 Conference is expected to adopt would play an essential role in fashioning the life-style of mankind in the next century.

7. Mr. TEBOURBI (Tunisia) recalled that his delegation had welcomed the adoption by the Commission on Human Rights, on 6 March 1990, of resolution 1990/41 which emphasized the relationship between environmental protection and the promotion of human rights. It had also welcomed the study by the Sub-Commission of the problem of the environment as a whole and in relation to human rights. The question of the repercussions of environmental deterioration on the human condition and the enjoyment of fundamental rights, including the right to life, had been evoked as early as 1968 in General Assembly resolution 2398 (XXIII) and the Proclamation of Teheran, and thereafter in the Stockholm Declaration of 16 June 1972. Other increasingly specific actions had been subsequently undertaken under the auspices of various international organizations. However, it should be pointed out that the concept of protecting the ecological balance was perceived differently in developed countries and developing countries. While it might be viewed by developed countries in terms of preserving a certain quality of life, it was seen in developing countries in terms of survival. Everyone agreed, however, that all environmental problems required, in the view of their extent, gravity and complexity, appropriate action at the national and regional levels as well as at the international level.

8. At the national level, measures taken by developing countries to combat environmental degradation were modest, despite the firm political will motivating those countries, for two main reasons: inadequate financial resources and a lack of appropriate technology. Those countries were for the most part handicapped, inter alia, by the burden of debt, the continuing fall in commodity prices, poverty and the deterioration in the terms of trade, all problems which cried out for priority attention. While aware of the need to include in their development plans the environmental dimension, they were unable to commit themselves without international assistance aimed primarily at training specialists in the environment on the one hand, and transferring appropriate technology and providing additional financial resources on the other. In order to achieve that objective, the establishment of a new kind of relationship between rich countries and poor countries would seem to be indispensable. Although the existing international legal instruments, such as the Montreal Protocol and the Vienna Convention provided a suitable framework

for the implementation of international cooperation to protect the environment, they remained limited. For that reason negotiations were under way with a view to concluding new conventions; they should include provisions on ways of associating developing countries with the efforts of the international community to combat environmental deterioration and preserve the ecological balance since the future of generations to come depended on those joint efforts.

9. Tunisia, which was party to several international legal instruments, had always made every effort to implement their provisions, in spite of its modest resources. It had also taken part in the formulation of the Convention of Bâle, the work to conclude an international convention on climatic changes and the negotiations which would be continued in the context of meetings of the UNCED Preparatory Committee. The Tunisian Government had created a national agency for environmental protection in 1988 and since the protection of the natural environment was an essential component of economic and social development, it had taken the requisite measures to ensure the conservation of fishery resources, water, the soil and vegetation cover, and to combat desertification, and also to stop water pollution and protect certain plant and animal species threatened with extinction.

10. To conclude, he stressed once more that the problem of the environment had universal dimensions and could only be resolved effectively with international cooperation which would in no way be based on political calculations but solely on the need to preserve the planet Earth for the benefit of all mankind.

11. Mr. ARNOTT (World Conference on Religion and Peace), referring to the statement by the International Fellowship of Reconciliation in 1990 to the Commission under the same agenda item, recalled that humanity as a whole was an integral part of nature and that consequently human rights were linked to environmental issues. According to most religions, man was responsible for maintaining nature, on which his survival and development depended and it was not therefore possible to separate the human and non-human aspects of nature. War, which was caused by men, was often accompanied by environmental devastation and that problem was likely to increase with the development of weapons of mass destruction. Most of the wars waged hitherto had had disastrous consequences on the environment. One need look no further than the present conflict in the Gulf and the ensuing atmospheric and water pollution. In Myanmar, deforestation, encouraged by the Government in power which benefited financially and militarily, had led to the destruction of an area which contained 80 per cent of the world's teak reserves and the departure of more than 100,000 people who had taken refuge in the neighbouring countries of Thailand, India and China.

12. For that reason, the World Conference on Religion and Peace believed that a strong declaration equating environmental destruction with a crime against humanity and a violation of the rights of those as yet unborn would help to dissuade Governments from using the environment as a weapon of war.

13. Mrs. GAER (International League for Human Rights) said that she would like, under agenda item 14, to draw attention to the improper use of medical science and medicine, in particular psychiatry, to violate the rights of

individuals. In particular, the practice of using the organs of those executed under the death penalty for transplants, without their authorization or that of their families, was a degrading treatment of those concerned and a flagrant violation of their rights and those of their families. It was well known that in the case of persons who died in car crashes, for example, nothing of the sort could be done without the family's agreement. According to information received by the League, the practice was reportedly common and widespread in China and in other Asian countries such as Singapore.

14. Consequently, the International League for Human Rights urged the Commission on Human Rights to take action in order to end such practices forthwith.

15. Ms. UNDERHILL (International Association of Penal Law) welcomed the formulation of the first version of the draft principles for the protection of persons with mental illness and for the improvement of mental health care. She recalled that the International Association of Penal Law and the International Commission of Jurists had submitted two texts on that question in 1980 to the Sub-Commission, in the belief that they could serve as a basis for drafting an instrument containing international standards for mental health care in order to help countries, in particular the least developed, to elaborate basic safeguards for the protection of the mentally ill. In that field, some problems were extremely difficult to resolve, for instance the issue of the psychiatric treatment of an involuntary patient without his informed consent, involuntary admission to an institution, and the problem of involuntary treatment of a patient who might suffer permanent side-effects.

16. The International Association of Penal Law believed that all those questions were reflected in a balanced way in the draft before the Commission and appearing in the annex of the report of the Working Group responsible for the draft (E/CN.4/1991/39). It thanked the three Rapporteurs, Mrs. Daes, Ms. Palley and Mr. Steel in particular who had shown immense patience over the previous two years and she hoped that the Commission would adopt the draft report. The International Association of Penal Law intended to publish the final text of the draft in an international law review.

17. Mr. BARSH (Four Directions Council) stressed the fact that, for indigenous peoples, land rights had always been an issue of the highest priority. Land rights should be understood as the right of a community or a society to have and to keep a healthy environment and to achieve a fair and sustainable use of available resources, and not as a right of individuals to do with the land whatever they pleased. Indigenous peoples had always managed natural resources
in an ecologically rational way, particularly by maintaining demographic growth at an environmentally sustainable level. Foreign settlers, however, who had taken over their lands had, through ignorance and lack of discipline, over-utilized and destroyed forests, rivers and the other natural resources which they had seized with complete indifference as to the effects of their activities on the environment. That process was being repeated in many parts of the world today.

18. In the opinion of the Four Directions Council, the right to a healthy environment had been implicitly proclaimed in article 6 of the International Covenant on Civil and Political Rights which concerned the right to life,

since any change in the physical and chemical structure of nature inevitably entailed the annihilation of populations in a predictable manner and in predictable numbers. Furthermore, the principal victims were almost always the poor and vulnerable groups who had no way of preventing the State or privately owned companies from locating hazardous activities or dumping toxic materials in the regions where they lived. The Bhopal tragedy in India was testimony to that. Indeed, in certain cases, such as that of the nuclear accident at Chernobyl which had had appalling consequences for people living in the Ukraine and for the way of life of the Saami people, that kind of activity could be described as ethnocide, even genocide. Environmental destruction could also take less obvious forms, such as the deforestation which had caused the disastrous flooding which had affected Bangladesh in recent years.

19. Under the international human rights instruments, action could be taken against a State in the case of an ecological accident when its responsibility had been proved; that was straightforward when the State itself had carried out or authorized the dangerous activities which had caused the accident. However, it should also be held responsible when such activities were carried out by private enterprises since, in conformity with articles 2 and 5 of the International Covenant on Civil and Political Rights, the State had the duty to protect the rights of its citizens from actions by any group or person under its jurisdiction, and thus from any activity which might cause damage to the environment. That responsibility became international in character when the citizens of other States were involved, for example when activities carried out in one country had dire consequences in other countries, as had been the case of the Chernobyl nuclear accident. Without international responsibility, the right to life could not be guaranteed. Admittedly, States could not guarantee their citizens a hazard-free life without any environmental risks, but people should be free to accept or reject certain risks, for example to refuse to live near a nuclear power station or a pulp and paper mill that poisoned the water necessary for their survival. In other words, the most fundamental aspect of the right to a healthy environment was the right to participate in decisions about acceptable levels of risk, since those were life or death decisions. The idea of participation was linked to the question of land rights. Indigenous peoples wanted control of their territories in order to be able to choose the level of environmental risk with which they had to live. The Four Directions Council hoped that those considerations would be taken into account in future work on such issues and in particular in the Sub-Commission's studies on human rights and the environment and on economic, social and cultural rights.

20. The CHAIRMAN said that the Commission had thus completed its consideration of agenda item 14.

STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD (agenda item 24) (E/CN.4/1991/50, 51, 58 and 59; E/CN.4/Sub.2/1990/44)

21. Mr. NYAMEKYE (Deputy Director of the Centre for Human Rights), introducing item 24, said that the protection of the rights of the child and the elimination of the abuses from which children suffered was a question which had concerned the United Nations for many years and was one of its most arduous tasks. The United Nations Children's Fund (UNICEF) had been created

to meet the needs of children and the rights of children had been proclaimed in the 1959 Declaration of the Rights of the Child and in the International Human Rights Covenants adopted in 1966. The idea of formulating legal standards on the rights of children, which had been broached during the preparations for the International Year of the Child in the 1970s, had resulted in the adoption by the General Assembly on 20 November 1989 of the Convention on the Rights of the Child which had come into force on 2 September 1990. The Committee on the Rights of the Child, whose 10 members had just been elected in New York, would be responsible for monitoring its implementation. It was to be hoped that it could, with the assistance of the States parties and the support of UNICEF, the specialized agencies and non-governmental organizations, identify the problems impeding the exercise by children of their rights, propose solutions to resolve those problems and mobilize the necessary resources. Consultations had already been held with those institutions, under the auspices of the Centre for Human Rights, on 14 and 15 January 1991, to examine the role assigned to each agency, and similar consultations were planned with the relevant non-governmental organizations in the near future.

22. The Human Rights Committee had already adopted two general comments focusing on the need to extend special protection to children. In the first comment, it had called for every possible economic and social measure to be taken to reduce infant mortality, to eradicate malnutrition among children, and to prevent them from being exploited in various forms or used in the illicit trafficking of drugs. In the second, it called for every possible measure to be taken to foster the development of the personality of children and to provide them with a level of education that would enable them to enjoy the rights recognized in the International Covenant on Civil and Political Rights, in particular the right to freedom of opinion and expression. Furthermore, the Committee called for measures to ensure that children did not participate directly in armed conflicts.

23. Under agenda item 24, the Commission also had before it a report on the sale of children (E/CN.4/1991/51) submitted by the Special Rapporteur, Mr. Vitit Muntarbhorn, and two draft programmes of action, one for the elimination of the exploitation of child labour (E/CN.4/Sub.2/1990/44) and the other for the prevention of the sale of children, child prostitution and child pornography (E/CN.4/1991/50) prepared by the Sub-Commission Working Group on Contemporary Forms of Slavery. The Sub-Commission was currently making a detailed study of the treatment of children in the administration of criminal justice based on the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, focusing more particularly on respect for the rule prohibiting the execution of children for crimes committed before attaining the age of 18 years.

24. Promotion of the rights of the child occupied an increasingly important place in the activities of the Centre and, in particular, in the programme of advisory services and technical assistance under which the Centre provided assistance to Governments in the form of expert advice in connection with the ratification and implementation of the Convention or the training of officials. The Centre had, for instance, organized in Delhi in December 1990, in cooperation with the Indian Government, a workshop on the rights of the child,

with special reference to the rights of girls, with contributions from the ILO, UNESCO, WHO, UNICEF, UNDP and UNHCR. All the information and education activities of the Centre in relation to the rights of the child would be strengthened. Fact-sheet No. 10 The Rights of the Child had already been published and a special issue of the Human Rights Bulletin on the Convention on the Rights of the Child was being prepared. Furthermore, the Centre regularly published articles on that issue in the Human Rights News Letter, the next edition of which would be devoted to the Convention.

25. However, in order to bring about a change in the situation of children throughout the world, it would be necessary for all activities in favour of children to be carried out in a global perspective, and he wished to inform the members of the Commission that, at its previous session, the Committee on Economic, Social and Cultural Rights had recommended that in 1992 a meeting should be organized between the representatives of all United Nations human rights treaty bodies with a view to discussing matters of mutual interest relating to the rights of the child, including the most appropriate methods for monitoring the approaches to the supervision of implementation of State obligations in that field, arising from each of the relevant instruments.

26. Lastly, the Commission also had before it the report of the World Summit for Children held in New York on 30 September 1990, which had adopted the World Declaration and Plan of Action on the Survival, Protection and Development of Children (E/CN.4/1991/59), which 156 States had signed so far. It would be useful for the Commission to review all the activities already carried out within the United Nations system, in order to assess how far they were in line with the recommendations contained in the Declaration and Plan of Action adopted by the Summit, and to see what needed to be done in order to ensure that the objectives of the Summit were realized and the rights of the child respected.

27. Mr. HARUN-UR-RASHID (Bangladesh) said that it was extremely important to protect children since they represented the future of mankind and were its most precious resource. It was encouraging to note in that respect that more than 105 countries had signed the Convention on the Rights of the Child adopted by the General Assembly on 20 November 1989, and that more than 73 of them had already ratified it. The provisions of that instrument were intended, in particular, to help children prepare themselves for life in society, in the spirit of the ideals proclaimed in the Charter of the United Nations.

28. Stress had also been placed on the need to give special attention to children during the World Summit for Children, held in New York on 30 September 1990, at the conclusion of which had been adopted a 10-point Plan of Action to offer a better future to all the children of the world, and especially those in the least advanced countries who were the primary victims of natural disasters, famine and political upheavals which often affected those countries. Some problems like child labour and the sale of children were linked to the overall issue of development, since they were the consequence of poverty, unemployment and illiteracy and their elimination called for a massive effort from the international community for socio-economic development in the developing countries. Admittedly, those problems were far from easy to resolve, but it was important above all to understand their true nature and causes as well as their political and social dimensions before

determining the type of action to be taken. Moreover, the involvement of women in all programmes of action to eliminate those two problems was imperative given that it was primarily women who looked after children.

29. His delegation thanked Mr. Vitit Muntarbhorn for his report on the sale of children (E/CN.4/1991/51) in which he pointed out, quite correctly, that economic disparities, social deprivation and the family disintegration were among the most obvious causes of child exploitation, and also indicated certain difficulties involved in addressing the problem. His delegation hoped that every possible effort would be made to enable him to conclude his task successfully.

30. In Bangladesh, all the necessary measures had been taken to assure the protection of children. Top priority had been accorded to meet their health and nutrition needs so that more than 85 per cent of children were vaccinated. As for educatiion, the Government had passed a law making primary education compulsory for all children and free for girls up to the eighth grade. Efforts to ensure the survival and development of children was a very significant aspect of Bangladesh's relentless war against hunger, ill health and illiteracy
and that was why Bangladesh had been one of the first countries to become a party to the Convention.

31. All countries must cooperate in their efforts to secure the well-being of children throughout the world and to guarantee them a better life in the future. It was therefore important that they devote the necessary resources to apply the Plan of Action adopted in New York by the World Summit for Children, on the survival, protection and development of three billion children under the age of 16 who would build tomorrow's world.

32. Mr. THOMPSON (Australia) said that the Convention on the Rights of the Child should occupy a central place in the human rights programme of activities of the United Nations. The fact that most of the regions, legal and political systems, and cultural and religious traditions of the world were represented among the States which were already party to the Convention or had signed it was particularly significant. Australia was proud to have been among the States which had participated in drafting the Convention and of having signed it on 22 August 1990 and ratified it on 17 December 1990.

33. In every country of the world children were living in difficult conditions. In Australia too, children of the indigenous communities were disadvantaged and did not enjoy all the rights recognized by the Convention and other international instruments. A particular problem was that of homeless children, a problem which had not yet been entirely resolved in spite of the many efforts made to that end by the Government and community organizations. Further efforts were needed to ensure equal rights for girls, children with disabilities and other groups with special needs and problems.

34. It was interesting to note that the Convention recognized and reinforced the fundamental importance of the family. Its provisions should be interpreted realistically in order to reflect the variety of family structures existing among the States Members of the United Nations. Australia had also been a proponent of article 5 of the Convention, which aimed to protect the rights of parents in the education of their children. Furthermore, the

Convention encouraged an integrated approach to different categories of rights by incorporating them in a single instrument; that was very important since all rights, whether economic, social and cultural, or civil and political, constituted a whole and were inseparable and indivisible.

35. The Committee on the Rights of the Child should play a crucial role in the effective implementation of the Convention and therefore had to be allocated adequate resources to enable it to perform its responsibilities efficiently and to cooperate with the other human rights treaty bodies, the specialized agencies and other competent bodies within and outside the United Nations system. Additional resources should also be granted to the Centre for Human Rights, to enable it to service those bodies appropriately. Lastly, the Australian delegation hoped that the Convention would be distributed as widely as possible by all appropriate means, particularly through the relevant agencies and the United Nations information centres. In that respect it congratulated the Centre for Human Rights on the publications it had already produced on the subject, and UNICEF on its efforts to cooperate with national institutions. However, it was also up to States to publicize the Convention and the Australian Government had already taken and would continue to take measures to that end. It was currently considering, in conformity with the provisions of the Convention, the role of existing national machinery with a view to facilitating the implementation of the Convention in Australia.

36. In conclusion, his delegation appealed to all States which had not yet ratified the Convention to do so without delay and thus contribute towards the welfare of the children of the world.

37. Mr. KESSEL (Canada) welcomed the entry into force of the Convention on the Rights of the Child on 2 September 1990, less than one year after its adoption by the General Assembly, on 20 December 1989. The rapid reaction of States was the proof of their will to guarantee and protect the rights of children. It was due to the fact that the Convention constituted a universal set of standards, formulated and adopted by consensus, which reflected the diversity of the political, social, economic and cultural spheres in which children lived. The World Summit for Children, held in New York on 30 September 1990, had also highlighted the priority nature of action on behalf of children.

38. Canada had signed the Convention on 28 May 1990 and intended to ratify it in the course of 1991. The ratification process, which included a detailed examination of Canadian legislation and programmes at federal and provincial level was nearing completion. It should be noted that the Canadian Government had consulted non-governmental organizations, since it considered that those organizations contributed to helping Governments to fulfil their obligations. They also had an important role to play in the area of the rights of the child at international level. Primary responsibility for monitoring implementation of the Convention would obviously rest with the Committee on the Rights of the Child, constituted on 28 February 1991, but his delegation strongly encouraged it to work with non-governmental organizations and thus draw on their expertise and experience, since ultimately it was the children who would benefit.

39. Mrs. BAILEY-WIEBECKE (International Abolitionist Federation) said that the International Abolitionist Federation, which represented some 30 organizations, had recently extended its activities, in particular in third world countries, following the Congress on the theme of child prostitution held in September 1990 in Geneva. The Congress, which had been attended by 250 experts from 41 countries, had adopted an action programme to combat child prostitution and had formulated seven projects with a view to rehabilitating child prostitutes.

40. The International Abolitionist Federation wished to draw the Commission's attention to the situation in Taiwan where there were about 100,000 child prostitutes. It had become clear during a recent campaign to crack down on procurers that a quarter of the children who had been rescued came from aboriginal tribes. It also seemed that very young teenagers had been smuggled into Taiwan from China for purposes of prostitution. The International Abolitionist Federation had finalized a project to rehabilitate those children, in particular in the mountainous regions where aboriginal populations lived who, because of their isolation and poverty, were easy prey for go-betweens who bought children from their parents and re-sold them to rich Taiwanese. A network of hostels had been set up to receive the child victims of that trade and to restore them to their family and local communities. The International Abolitionist Federation hoped that the Special Rapporteur on the sale of children, Mr. Muntarbhorn, would consider formulating and implementing similar projects as part of his mandate and that he would have access to advisory services for that purpose. The Federation also supported the three other statements on the same question which would be made on behalf of various non-governmental organizations.

41. Mr. CANTWELL (Defence for Children International) said that he was also speaking on behalf of the following eight non-governmental organizations: the International Association of Penal Law, the International Commission of Jurists, the International Federation of Human Rights, the International Federation of Social Workers, the International Institute of Higher Studies in Criminal Sciences, the International Movement ATD Fourth World, the World Federation of Methodist Women and the World Union of Catholic Women's Organizations. Defence for Children International could only welcome the fact that almost half of the States Members of the United Nations had already ratified or signed the Convention on the Rights of the Child. It was true that the real goal of the Convention was not ratification but rather implementation; however, it was to be hoped that all the States which had not yet done so would join those who had made the solemn commitment to respect and protect the rights recognized in the Convention and it would be appropriate for the Commission to encourage them to do so. In that respect it was appropriate to acknowledge the activities of UNICEF which had helped the Governments of several countries to ratify the Convention by financing studies on the compatibility of national legislation with the Convention and had also backed efforts to mobilize support for the Convention through the media, national non-governmental organizations and professional and community organizations.

42 It was significant that the great majority of States parties to the Convention were from the developing regions of the world, including no less than 27 African countries and 22 Latin American countries. The provisions of

the Convention had been designed to ensure that no State could feel unable to ratify it simply because of lack of resources or lack of access to required know-how. Emphasis had been placed on the need for international cooperation and the provision of technical assistance to those countries to help them overcome the obstacles to full implementation of the Convention. It was important that the international cooperation envisaged by the Convention should become a reality and that would depend on the work carried out by the Committee on the Rights of the Child as well as on the good will of the specialized agencies and other United Nations bodies, as well as non-governmental organizations and aid agencies. The task ahead of the Committee was staggering and it could discharge it effectively only if it had the backing and cooperation of the ILO, WHO, World Bank, UNESCO, UNICEF and other bodies. The inter-agency consultation held in Geneva at the beginning of 1991 in which 10 United Nations bodies and specialized agencies had participated, together with the Chairman of the Working Group on Contemporary Forms of Slavery to the Sub-Commission and the Special Rapporteur on the sale of children, child prostitution and child pornography, was a promising step in that direction. Nevertheless, the Commission should adopt a resolution calling on all concerned United Nations bodies to cooperate with the work of the Committee to guarantee the implementation of the Convention.

43. The Plan of Action adopted by the World Summit for Children, while very useful, did not cover all the problems linked to the rights of the child. For instance, no target had been set in areas such as the elimination of various forms of child exploitation. That fact accounted for the importance of the work carried out by the Sub-Commission and its Working Group on Contemporary Forms of Slavery, UNICEF and the specialized agencies on the exploitation, traffic and sale of children and child labour, which all Governments should take into account in the national programmes of action they had been called on at the World Summit to draw up by the end of 1991.

44. The Committee on the Rights of the Child, whose members had just been elected, would no doubt play a key role in the application of the Convention. But its existence should not prevent the Commission on Human Rights from devoting special attention in years to come to the situation of children and from taking the initiative in activities to protect the rights of children. In reviewing those questions every year, it would usefully complement the work of expert bodies and specialized agencies.

45. To conclude, he drew the attention of the Commission to the active and constructive role played by non-governmental organizations in the drafting of the Convention on the Rights of the Child through the NGO Ad Hoc Group set up specifically for that purpose. They should now be encouraged in their efforts to promote ratification of the Convention in all parts of the world and its implementation by the States parties. In order to facilitate coordination among non-governmental organizations themselves, and between them and intergovernmental bodies, the NGO Ad Hoc Group had decided to reconvene as the NGO Group for the Convention of the Rights of the Child. The Plan of Action adopted at the World Summit for Children underscored the need for cooperation among and between Governments, intergovernmental organizations and non-governmental organizations for the effective realization of the rights proclaimed by the Convention and it was to be hoped that the climate of

cooperation that had prevailed during the drafting process could be maintained during the phase of implementation and would enable expeditious and appropriate solutions to be found to problems concerning the rights of the child.

46. Mr. HARDER (International Save the Children Alliance) expressed the appreciation of the 22 autonomous international organizations which formed the International Save the Children Alliance (ISCA) to the States, intergovernmental and non-governmental organizations which had spared no effort in promoting the adoption of the Convention on the Rights of the Child, and also to the Centre for Human Rights for the lead role it had played in that respect. The new legal instrument for children was particularly significant for International Save the Children Alliance since it was the founder of that organization who had drawn up the Charter on the Rights of the Child which had led to the Declaration of the Rights of the Child adopted by the General Assembly in 1959. Non-governmental organizations had played an unprecedented role in drafting the Convention and their influence was clear in the text which had come into force on 2 September 1990.

47. ISCA had taken various initiatives to promote the new Convention. In particular, it had adopted a resolution urging Governments to ratify the Convention without conditions and a new charter in which the Convention was mentioned by name. It had also organized three regional workshops with the Convention as central theme in Thailand, Mexico and Zimbabwe at the beginning of 1990 and had published various papers on individual articles of the Convention on issues such as the sexual exploitation of children, children in armed conflict, refugee women and children, street children, disabled children and the effects of the debt crisis on children. Those activities attested to the importance that ISCA attached to the new instrument for children whose entry into force had unfortunately coincided with the outbreak of a crisis followed by a war which was likely to have unforeseen implications for the children who lived through it since children were most affected by armed conflict, physically and psychologically. All the issues covered by articles 38, 20, 22, 23 and 34 of the Convention were important components of ISCA's programme activities. ISCA also welcomed the appointment of the Special Rapporteur on the sale of children and the formulation of two draft programmes of action for the elimination of child exploitation currently under consideration (E/CN.4/1991/50 and E/CN.4/Sub.2/1990/44).

48. The intensity of the conflict in the Gulf should bring the importance of the Convention and the Declaration adopted at the World Summit for Children more sharply into focus and all Governments, intergovernmental organizations and non-governmental organizations should redouble their efforts to ensure that their principles were applied and objectives respected. Accordingly, ISCA urged all Governments which had not already done so to ratify the Convention, to circulate widely the text and to incorporate its provisions in their national legislation on children. It also called on all heads of State or Government to respect their commitments as signatories to the 10-point Plan of Action adopted by the World Summit for Children on 30 September 1990, and on the intergovernmental organizations, led by UNICEF, which had been entrusted to incorporate the Plan of Action into their own activities in 1991, to publicize it widely and to define the details of cooperation with non-governmental organizations in that area.

49. ISCA also hoped that the Committee on the Rights of the Child would exchange information on a regular basis with other competent bodies concerned with children in conformity with the provisions of article 45 of the Convention and further hoped that non-governmental organizations would be encouraged to report on their programmes of activity for the promotion of the rights and development of children. Furthermore, Governments, intergovernmental and non-governmental organizations should step up cooperation to promote the rights of the child by jointly organizing regional conferences and workshops on the Convention. It was also to be hoped that additional resources would be allocated to non-governmental organizations in the South to help them to achieve those objectives. ISCA stood ready to participate in all the activities undertaken and to communicate to interested parties any documentation requested on its activities.

50. Mr. NOVAK (Austria) welcomed the ratification of the Convention on the Rights of the Child by more than 70 States from all regions of the world only 15 months after its adoption on 20 November 1989. Austria had signed it on 26 January 1990 and would ratify it in the near future.

51. His delegation wished to commend the Special Rapporteur, Mr. Vitit Muntarbhorn, on his report (E/CN.4/1991/51) in which he reviewed the key issues concerning the sale of children, child prostitution and child pornography. It welcomed his idea of an interdisciplinary approach in considering them since, while laws were indispensable, they alone were not enough to end the abuses suffered by children. The campaign against child exploitation required combined efforts by State organs and private organizations, such as adoption agencies, medical associations, consumer groups, human rights organizations and the mass media. It would also be necessary to elaborate a comprehensive strategy to bring a halt to the practice of using children for organ transplants, the root causes of which were linked to family problems and social disparities.

52. Thirty years after the adoption by the General Assembly of the Declaration of the Rights of the Child, the recent election of the members of the Committee on the Rights of the Child and the appointment of a Special Rapporteur on the sale of children, child prostitution and child pornography marked the beginning of the implementation phase, at the international level, of standards to protect children. His delegation hoped that the new Committee would carry out its monitoring assignment with the same commitment and effectiveness as the other human rights treaty bodies and that those monitoring mechanisms would enable the most fundamental rights of children to be respected.

53. Mr. CUNHA ALVES (Portugal) endorsed the Commission's decision to address all issues relating to the rights of the child under agenda item 24, since that solution made for a global and coherent approach to the many questions before the Commission and furthermore reflected the indisputable interaction and complementary nature of the different machinery established to secure the promotion and protection of the rights of the child, in the diversity of the intrinsic objectives of each one, and in the light of the principles proclaimed in the Convention on the Rights of the Child. The speed with which the Convention had come into force, less than one year after its adoption by the General Assembly, confirmed the priority accorded in every continent to

the harmonious development of children in a climate of happiness, love and understanding and in a free, pluralist and caring environment. The time had therefore come to implement that international instrument and to take the requisite measures to give effect to the rights recognized in it. Several steps had already been taken in that direction, beginning with various information campaigns launched at governmental or intergovernmental level both nationally and internationally, with a view to disseminating the text of the Convention, and the organization of the World Summit for Children which had adopted a plan of action for the survival, protection and development of children in the 1990s.

54. Portugal, which had participated in the process of drafting the Convention and had ratified it in September 1990, also attached significant importance to those actions. Accordingly, the Convention had been translated into Portuguese and widely circulated in a simplified form in order to make it accessible in particular to children in conformity with article 42. Moreover, an international meeting on the Convention attended by representatives from the seven Portuguese-speaking countries would be organized in the near future, in Lisbon in conjunction with the Centre for Human Rights. His delegation welcomed the action taken by the Centre to publicize the Convention in the context of the World Public Information Campaign for Human Rights. The fact-sheet on the rights of the child which had just been published and the next edition of the Human Rights Bulletin which would be specifically devoted to that issue, would certainly contribute to making the Convention better known and better understood. His delegation also hoped that the compiled travaux préparatoires or the commentary on the Convention on the Rights of the Child would soon be published; they would be valuable tools for the interpretation of that new international legal instrument. In that context, it welcomed with particular satisfaction the establishment of the Committee on the Rights of the Child. It placed great hope in the ability of that body of independent experts to guarantee the correct interpretation and implementation of the Convention and supported the recommendation made by the Chairmen of the human rights treaty bodies at their previous session on the organization of an information meeting for the members of the new committee before its first session. That would not only enable them to make contact but also to make a general assessment of the Convention, to define the relations between the Committee and other similar bodies and other human rights mechanisms, and to determine the forms of cooperation it could establish with other United Nations bodies, specialized agencies and non-governmental organizations in the light of article 45 of the Convention.

55. Since article 45 envisaged the possibility of making studies on the rights of the child and article 41 included a general saving clause calling for the most conducive provisions always to be applied in that field, his delegation could only welcome the appointment of a Special Rapporteur to report on the sale of children, child prostitution and child pornography. It endorsed the approach taken by the Special Rapporteur and the solutions proposed in this report (E/CN.4/1991/51) to combat and prevent that phenomenon and especially acknowledged the importance of an urgent action procedure to help the victims of exploitation.

56. While aware that the traffic and sale of children could have various objectives, including prostitution and pornography, his delegation considered as particularly tragic the trade in children for adoption purposes, in particular at the international level. That problem had, moreover, given rise to a great many international meetings in the previous year, including the Seventh Congress of Comparative Law held in Canada, the international seminar on child labour and trafficking and the sale of children, held in Siracusa, and the Hague Conference on Private International Law which was currently drawing up a new international convention on inter-country adoption. The current relevance and importance of those questions confirmed the utility of the two programmes of action on child exploitation drawn up by the Sub-Commission Working Group on Contemporary Forms of Slavery on which the Special Rapporteur could base his work and to which he could himself contribute by suggestions and commentaries. The coordination of such efforts could only lead to an improvement in the situation of children in the world.

57. Mr. ERMICHINE (Union of Soviet Socialist Republics) wished the 10 candidates who had been elected as members of the Committee on the Rights of the Child by the States Parties in New York every success and hoped that they would begin their new task without delay and fulfil their mandate effectively.

58. Mrs. BRUCE (International Catholic Child Bureau) said that she was also speaking on behalf of the following non-governmental organizations: Caritas International, the International Alliance of Women, the International Federation of Social Workers, the International Federation - Terre des Hommes, the International Movement ATD Fourth World, La Leche League International Inc, Pax Romana, World Federation of Methodist Women and World Union of Catholic Women's Organizations.

59. The International Catholic Child Bureau had read with interest the report of Mr. Vitit Muntarbhorn (E/CN.4/1991/51) on the sale of children and endorsed the proposals in it to combat that phenomenon. It urged Governments to cooperate with the Special Rapporteur by inviting him to their countries as soon as possible so that he could obtain first-hand testimony of violations of children's rights. His work usefully complemented the Convention on the Rights of the Child and it was to be hoped that it would be met with the same amount of enthusiasm and level of attention as the Convention.

60. The programme of action for prevention of sale of children contained in document E/CN.4/1991/50 should, when finalized, provide Governments with guidelines on the application of those articles of the Convention on the Rights of the Child which dealt with the sale of children for the purposes of sexual exploitation and other forms of exploitation and should thus receive priority attention. It was nevertheless essential to follow closely its application; the Commission and the Centre for Human Rights might therefore think about creating an appropriate mechanism. The programme of action did have, however, some shortcomings since, on the one hand, it did not take into sufficient account certain aspects of the sale and traffic of children for ends other than sexual exploitation and, on the other hand, it gave the impression that the only cause of child prostitution was tourism or the presence of military bases in the country concerned. It was clear, however, that child prostitution was a universal phenomenon which was not necessarily linked to tourism as the Special Rapporteur noted in paragraph 26 of his

report (E/CN.4/1991/51). The International Catholic Child Bureau hoped therefore that those errors would be corrected in the definitive version of the programme of action. It would be useful in that respect if non-governmental organizations, as well as the Special Rapporteur, could participate in the work of the Sub-Commission Working Group on Contemporary Forms of Slavery in order to expedite the drafting of the programme, as had been done in the case of the Convention itself.

61. Lastly, the International Catholic Child Bureau appealed to UNICEF, the specialized agencies and Governments to make every effort to set up programmes of action for children which would reflect in a way that was meaningful the principles contained in the United Nations programme of action. The non-governmental organizations were willing to take part in that task.

62. Mr. KERKINOS (Observer for Greece), speaking in exercise of the right of reply, categorically rejected the allegations made by the Turkish delegation under item 12, on the situation of the Muslim minority in Western Thrace and reaffirmed that Greece had always fulfilled the obligations incumbent upon it through the 1923 Treaty of Lausanne.

63. The members of that minority were free to practise their religion in conformity with the Constitution and there were currently 258 mosques and 78 Muslim religious establishments in the country; they could take Turkish names and use the Turkish language even in Greek courts, and their children could be educated in Turkish. Furthermore, there were currently 16 Turkish-language newspapers and magazines and all Greek citizens of Turkish origin enjoyed political rights and could elect representatives at the local and national levels. As for the two Members of Parliament of Turkish origin cited by the observer for Turkey, the lifting of their parliamentary immunity had been requested because they had broken the law and an inquiry was under way. The allegations of discrimination against Muslims in connection with land policy were equally groundless. The Greek State wished to ensure the economic development of Western Thrace and in order to do so had to establish an infrastructure which required the participation of Christians as well as Muslims. Article 19 of the Greek citizenship code had never, in fact, been applied and a new code was being drafted. As far as the "restricted areas" on the northern border of Greece were concerned, they were intended not only for members of the Turkish minority but for all citizens without distinction. Lastly, the religious leader or mufti was not directly appointed by the State as the observer for Turkey claimed, but chosen by the Minister for Education from a list of qualified persons submitted by members of the Muslim clergy. It was worth pointing out, moreover, that the appointment of religious leaders was a common practice in countries including Turkey where Islam was the predominant religion. Citizens of Turkish origin in Western Thrace thus enjoyed the same rights and freedoms as all other Greek citizens and the proof of that was that their number had risen from 85,000 in 1923 when the Treaty of Lausanne had been signed, to 120,000 in 1991. The same could not be said for the Greeks of Turkey whose number had fallen from 150,000 in 1923 to 3,500 at that time and one might well ask oneself the reasons for the change. The Turkish delegation might find it useful to read more closely the numerous resolutions adopted by the European Parliament in condemnation of Turkey. Before criticizing other countries, it would do better to ask itself why its country was constantly mentioned in human rights bodies.

64. Lastly, the Greek delegation reaffirmed that there was no Yugoslav minority in Greece or, as the Yugoslav delegation claimed, "Macedonian national minority". Macedonia was a geographic concept and not an ethnic one. If there was a country which could be identified with Macedonia for historical reasons, it was Greece, and the time had come to put an end to the improper use made of the term. He asked that his clarification should be reflected in the summary record of the meeting.

65. Mr. DUNA (Observer for Turkey) thanked the observer for Greece for having acknowleged the existence of a Turkish Muslim minority in Western Thrace, a minority which had been exposed on two occasions to large-scale violations of its rights at the end of January 1990. The Greek authorities had done nothing then to stop attacks on the members of the minority or to compensate them for the damages and losses they had suffered. Those deplorable events had aroused new concern on the part of the human rights bodies over the fate of the Turkish minority. In that context, he wished to draw the attention of the Commission to a Helsinki Watch Committee report in which the Greek Government was called on to acknowledge the existence of the Turkish minority and to guarantee it all the political and civil rights which other Greek citizens enjoyed, including the right to declare themselves to be Turkish, to leave Greece freely and to return there without being threatened with the withdrawal of Greek nationality, to move freely within the country, to buy and sell houses, to build and repair schools and mosques, to exercise professional and commercial activities, to take part in public life, to have access to radio and television programmes and publications from Turkey, and lastly, to an end to the religious persecution they had suffered by allowing them to practise freely their religion and choose their own religious leaders. It was to be hoped that the Greek authorities would follow up these recommendations in a genuine spirit of democracy, tolerance and humanism.

66. He wished to point out, moreover, that the reduction in the number of Greeks in Turkey was due quite simply to emigration caused by essentially economic reasons. Nevertheless, the members of the Greek minority who had left Turkey retained Turkish citizenship and no obstacle had been put in the way of their return to Greece if they so desired. The same possibility was not available to citizens of Turkish origin who had to leave Western Thrace.

67. Mr. KERKINOS (Observer for Greece), speaking in exercise of the right to reply for the second time, reaffirmed that the rights and basic freedoms of all citizens were guaranteed in Greece by the Constitution and in conformity with the principles of democracy, tolerance and humanism which characterized Greece and which might serve as an example to Turkey.

68. Mr. DUNA (Observer for Turkey), speaking in exercise of the right to reply for the second time, recalled that the Greek delegation had already stated during the Commission's session in 1990 that democracy, tolerance and humanism were the essential principles on which were based the guarantee of rights and freedoms of all citizens in Greece. Unfortunately, it was clear from all the reports prepared by non-governmental organizations and from information provided by foreign observers and even by the Greek press that those principles were not applied to the Turkish Muslim minority.

The meeting rose at 11.55 p.m.